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**NOTE**

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| From:           | Presidency  |
| To:             | Council   |
| No. prev. doc.: | 12174/17 PI 104 COMPET 607  |
| Subject:        | Unitary Patent and Unified Patent Court<br>- Information from the Presidency on the state of play |

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The Annex includes a matrix on the situation in participating Member States regarding ratification of the Agreement on a Unified Patent Court (UPCA) and signature, ratification or declaration to be bound by the protocol on provisional application (PPA). The matrix has been prepared with the assistance of Sweden and Belgium.

The Presidency will give an overview of the *status quo* concerning the operationalisation of the Unified Patent Court and the Unitary Patent. Thereafter, the floor will be opened for any further information by Member States. All Member States which have not yet ratified the UPCA and/or joined its provisional application, but are in a position to do so within a foreseeable period of time, are invited and encouraged to briefly present their state of play.

UPCA and PPA: State of play re. ratification, signature or declaration to be bound

UPCA = Agreement on a Unified Patent Court, OJ EU C175 of 20-06-2013

PPA = Protocol to the Agreement on a Unified Patent Court on provisional application, <https://www.unified-patent-court.org/news/protocol-upc-agreement>

PPI = Protocol on Privileges and Immunities of the Unified Patent Court, <https://www.unified-patent-court.org/news/protocol-privileges-and-immunities>

**Disclaimer: Without prejudice to Member States' constitutional requirements and to updates re. the pace of ratification procedures in national parliaments**

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| Member State | UPCA*  | PPA**  |
|--------------|--|--|
| 1 Austria    | Ratification (with updates marked by asterisks**)  | Signature, ratification or declaration to be bound (with updates marked by asterisks***) |
| 2 Belgium    | Deposit of instrument of ratification on 06-08-2013.   | Declaration to be bound on 29-03-2017 (binding).   |
| 3 Bulgaria   | Deposit of instrument of ratification on 06-06-2014.<br>Deposit of instrument of ratification on 03-06-2016. | ***Signature on 11-09-2017.<br>Parliamentary ratification possible in autumn 2017.       |

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|----|----------------|---|--|
| 4  | Cyprus         | Later than 2017.  |  |
| 5  | Czech Republic | 2017 or later.  |  |
| 6  | Denmark        | Deposit of instrument of ratification on 20-06-2014.  | Signature on 01-10-2015 (binding).   |
| 7  | Estonia        | ***Deposit of instrument of ratification on 01-08-2017.   | ***Declaration to be bound on 03-07-2017 (binding).                                |
| 8  | Finland        | Deposit of instrument of ratification on 19-01-2016.  | Signature on 19-01-2016 (binding).   |
| 9  | France         | Deposit of instrument of ratification on 14-03-2014.  | Signature on 01-10-2015 (binding).   |
| 10 | Germany        | Ratification Bill adopted by parliament on 31-03-2017.<br>***Germany's president put ratification on hold following informal request by Federal Constitutional Court on 12-06-2017. | Signature on 01-10-2015.<br>Parliamentary approval for ratification on 31-03-2017. |
| 11 | Greece         | Government has completed drafting of Ratification Bill.   | Signature on 23-03-2017 (not yet binding).   |
| 12 | Hungary        | Plan: spring 2017.  | Signature on 07-10-2015 (not yet binding).   |
| 13 | Italy          | Deposit of instrument of ratification on 10-02-2017.  | Signature on 20-02-2017 (binding).   |
| 14 | Ireland        | Referendum must be held first: 2018 or later.   |  |
| 15 | Latvia         | Ratification Bill adopted by parliament on 30-03-2017.<br>Will only come into force on 01-01-2018.  |  |
| 16 | Lithuania      | ***Deposit of instrument of ratification on 24-08-2017.   |  |
| 17 | Luxembourg     | Deposit of instrument of ratification on 22-05-2015.  | Signature on 01-10-2015.<br>Ratification notified to the Council on 18-07-2016.    |
| 18 | Malta          | Deposit of instrument of ratification on 09-12-2014.  | Will issue a unilateral declaration to be bound.                                   |
| 19 | Netherlands    | Deposit of instrument of ratification on 14-09-2016.  | Declaration to be bound on 01-10-2015 (binding).                                   |
| 20 | Portugal       | Deposit of instrument of ratification on 28-08-2015.  |  |

|       |                |   |  |
|-------|----------------|---|--|
| 21    | Romania        | Plan for ratification: second half of 2017.   | Signature on 14-09-2016 (not yet binding).   |
| 22    | Slovakia       | Later than 2017.  |  |
| 23    | Slovenia       | Ratification Bill adopted and published on 07-10-2016.  | Signature on 01-10-2015 (not yet binding).<br>Will issue a unilateral declaration to be bound.   |
| 24    | Sweden         | Deposit of instrument of ratification on 05-06-2014.  | Signature on 01-10-2015 (binding).   |
| 25    | United Kingdom | Procedure partly completed.<br>Last steps planned to be finalized shortly.  | Signature on 01-10-2015.<br>***Declaration to be bound on 07-07-2017 (binding).  |
| TOTAL |                | ***14 MS have deposited ratification instrument: AT, BE, BG, DK, EE, FI, FR, IT, LT, LU, MT, NL, PT, SE.<br>***Another 4 MS have received parliamentary approval to ratify: DE, LV, SI, UK.<br><br><b>DE and UK must deposit their instrument of ratification of the UPCA before it can enter into force (Article 89 UPCA).</b> | ***Out of the 18 MS which have ratified or received parliamentary approval to ratify the UPCA, 10 MS have expressed consent to be bound by the PPA (by signature, ratification or declaration): BE, DK, EE, FI, FR, IT, LU, NL, SE, UK.<br><br>***2 MS will ratify PPA: BG, DE.<br><br>***2 MS will issue a unilateral declaration to be bound by PPA: MT, SI.<br><br>***Other than DE, thus 2 more MS which have ratified the UPCA or received parliamentary approval to ratify UPCA must express consent to be bound by the PPA before the provisional application can start (Article 3 PPA) |

- \* for the date of deposit, see <http://www.consilium.europa.eu/en/documents-publications/agreements-conventions/agreement/?aid=2013001>
- \*\* for the date of signature, ratification or declaration, see <http://www.consilium.europa.eu/en/documents-publications/agreements-conventions/agreement/?aid=2015056>